

Water levels are falling at a rate of 18 inches per day.

Dutch team arrived in New Orleans and was briefed on situation. They will begin to assist in unwatering mission later today.

The German team began working at PS #19 last night and is scheduled to move on to PS #3.

Continuing to use booms to assist in containment of hazardous materials and working with EPA on this issue.

Actions for next 24 hours: We expect to add an additional 1,000 CFS at pump stations #3 and #7 in Orleans East Bank and 1,000 CFS in Plaquemines. We have identified a total of 27 levee breaches to date. Nineteen are attributable to the hurricane; eight are deliberate. Twelve interim repairs have been completed.

Water and Ice: 52,848,000 liters of water and 188,160,000 lbs of ice delivered to date:

Moving excess ice to prepare for Hurricane Ophelia.

Debris:

Total tonnage of debris removed and projected: 390,487 CY removed; 77.5M CY estimated.

Plaquemine Parish declined USACE assistance as of Sept. 10th.

Roofing:

Total temp roofs projected and completed: 51,000 projected and 262 completed.

Continuing to collect "Rights of Entry" in both MS and LA.

Power: 30 Prime Power soldiers working in the area:

Last 24 hours: Continued working assessments and generator installs in Mississippi and Louisiana:

We are experiencing problems with local personnel moving installed generators without coordination. This makes it difficult to properly maintain, refuel, and ultimately recover them.

Have completed 669 assessments and 159 generator installs to date.

Next 24 hours: Continue working to install power to permanent pumping stations, health facilities and to pumping stations around the hydrogen plant.

Navigation:

Mississippi River is completely opened all the way to the Gulf to shallow and deep draft vessels less than 39' (daylight only).

Inner Harbor Navigation Canal (IHNC) remains non operational due to bridge closures and sunken barges. Contractor expects to remove barges and open bridges by mid-week.

Housing:

We have completed the design review mission for FEMA Housing Area Command and are ready to perform quality assurance (QA).

We have completed dredging slips in Galveston for two cruise ships to dock and begin receiving evacuees.

Mr. WARNER. Mr. President, as we face an uncertain future as it relates to terrorism and the use of weapons of mass destruction, I have some thoughts with regard to this law which was passed in 1878 which restricts in certain ways—and the predicate for doing so is wise—men and women of the Armed Forces—that is, a permanent U.S. military as opposed to National Guard—in matters relating to law enforcement.

Traditionally, that has always been left to the local authorities, and that is the way it should be. But sometimes there may be one—I will have to examine the facts—that becomes so overwhelming or so incapacitated by a natural disaster, or perhaps a terrorist attack, that the Armed Forces may have to perform some of those duties. We

want to make sure the President has that capability.

Also, there are other permanent laws on the books called the Insurrection Statutes. At a very minimum, I would like to see the name changed that we put on this for reasons quite different than the threats and challenges that face this Nation today. But that statute also might be reviewed, along with the Posse Comitatus Act, to see whether other permanent pieces of law should be modified to meet the contingencies we face here in the future.

I see the distinguished chairman of the Homeland Defense Committee. I wonder if I might direct a question to her.

In the briefings we have had before our committee by members of various departments and agencies who had authorities to deal with this, I came away with an impression that we have to, in a very quiet and careful manner, look at the totality of the permanent law and regulations to determine what changes should be made to meet a contingency of the nature we have experienced—indeed, whether it is a natural disaster or military terrorist attack in the future. I wonder if our distinguished chairman has progressed in her thinking on this point.

The PRESIDING OFFICER. (Mr. VITTER). The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, if I may respond to the Senator from Virginia, the distinguished chairman of the Armed Services Committee, first, let me commend the chairman of the Armed Services Committee for his thoughtful approach to the issue of whether our laws and authorities are adequate to deal with a disaster of the magnitude of Katrina.

He has indicated his interest in taking a hard look at the Posse Comitatus law and also the Insurrection Act, both of which put certain restrictions on the ability of Active-Duty Forces to be used for law enforcement purposes and in other ways. I commend him for raising these very important issues.

It was evident from the briefing we had with FEMA and Coast Guard officials last week before the Homeland Security Committee that those on the front lines believe the current structures are inadequate to deal with a catastrophe of this magnitude. We talked directly to FEMA's Director of Operations as well as to a Coast Guard admiral who has been in charge of the search-and-rescue operation. Each of them, in response to questions from both of us, indicated this catastrophe has overwhelmed the organizational structures and requires a new way of thinking. Both of them indicated interest in our taking a look, a close examination, at the two acts which the distinguished chairman has mentioned. I commend him for following up on this issue.

I think it is important that we look at that, as well as a host of other issues related to our preparedness and our response.

Mr. WARNER. Mr. President, I thank the distinguished chairman. I am privileged to serve on her committee.

As a consequence of the close relationship between the Department of Defense and the various departments our committee—and I sit on a few—has over situations such as this—I might note for the RECORD the person from FEMA who appeared before your committee for the briefing was a career employee. I found him to be very qualified. He has some 30 years of experience. I think he shared with our committee some of his most profound thoughts based on some, I believe, 30 years experience. Am I correct?

Ms. COLLINS. The Senator is correct. He is a career employee, a member of the Senior Executive Service, with extensive experience.

Mr. WARNER. I thank the distinguished chairman.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes and that the allocated time be extended accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1690 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I ask unanimous consent Senator BYRD be recognized at 11 a.m. and Senator VITTER be recognized at 11:30 a.m. in order to address the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

Mr. DORGAN. Mr. President, let me ask that morning business be closed.

The PRESIDING OFFICER. Morning business is closed.

#### MAKING APPROPRIATIONS FOR SCIENCE, THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND RELATED AGENCIES FOR FISCAL YEAR 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2862, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2862) making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for